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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/954,509

Applicant: Omshehe et al.

Filed: September 14, 2001

TC/AU: 2141

Examiner: Kristie D. Shingles

Docket No.: 213306

Customer No.: 23460

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed August 11, 2005, rejecting the following claims: 1-20.

The items checked below are appropriate:

	The items checked below are appropriate:								
1.	Status of Applicants								
	This application is on behalf of  other than a small entity or  a small entity.								
2.	Fee for Filing Notice of Appeal								
	Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for:  other than a small entity or  a small entity.								
		Notice of Appeal Fee due \$500.00							
3.	Extension of Time								
	$\boxtimes$	Applicants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$1,020.00.							
		An extension for one-month has already been secured and the fee paid therefore of \$120.00 is deducted from the total fee due for the total amounts of							
		extension now requested. 62/10/2006 TL0111 68008031 121216 69954509							

Applica	ation N	o. 09/954	1,509				Notice of Appeal			
		Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.								
					Extension fee	due with	n this request: \$1,020.00			
4.	Total :	Fee Due								
The total fee due is:										
			of Appeal on Fee (if		\$500.00 \$1,020.00	Т	Cotal Fee Due: \$1,520.00			
5.	Fee Payment									
		Attached is a check in the sum of \$ . Charge Account No. 12-1216 the sum of \$1,520.00. A duplicate of this transmittal is attached.								
6.	Fee D	Fee Deficiency								
	$\boxtimes$	If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.								
		Respectfully submitted,								
					Mark In Boo		30			
Mark Joy, Reg. No. 25, 362 LEYDIG, VOIT & MAYER, LTD. Two Prudential Plaza							T & MAYER, LTD.			
							Suite 4900			
180 North Stetson Ave., Suite 4900 Chicago, Illinois 60601-6780										
	(312) 616-5600 (telephone) (312) 616-5700 (facsimile)									
Date: February 9, 2005										
		MAILIN	G/TRANSA	ISSION CE	RTIFICATE UND	ER 37 CF	heing deposited with the U.S.			
I hereby certify that this document and all accompanying documents are, on the date indicated below, beingdeposited with the U.S.  Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail  Label Number,deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or \omega facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-  8300.										
Name (Print/Type) Jaequelyn Hurd										
Signature				101	4	Date	Februry 9, 2005			
	_	X	V							